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Attn: Lalit K. Loomba, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARC FISHMAN, INDIVIDUALLY, and on behalf of all others :	:
similarly situated, :	:
Plaintiff, :	Docket No. 19 CV 265
:	(NSR)
-against- :	:
CITY OF NEW ROCHELLE, LANE SCHLESINGER SHEILD #:	CITY DEFENDANTS'
1058, JOSEPH F. SCHALLER, ROBERT GAZOLLA, IN HIS :	NOTICE OF MOTION TO
OFFICIAL CAPACITY AS POLICE COMMISSIONER OF :	DISMISS PLAINTIFF'S
THE CITY OF NEW ROCHELLE POLICE DEPARTMENT, :	AMENDED COMPLAINT
SERGEANT MYRON JOSEPH SHIELD #18, & COUNTY OF :	:
WESTCHESTER, :	:
Defendants. :	:
----- X	

TO: LAW OFFICES OF CANER DEMIRAYAK, ESQ., P.C.
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PLEASE TAKE NOTICE that, upon the annexed declaration of Lalit K. Loomba, Esq., dated May 26, 2022; the accompanying memorandum of law dated May 26, 2022; and all the prior proceedings herein, defendants City of New Rochelle, Commissioner Robert Gazzola, sued in his official capacity only (collectively, the "City"), Lane Schlesinger, Joseph F. Schaller and Myron W. Joseph (together with the City, the "City Defendants"), will move this Court, before the Hon. Nelson S. Roman, on July 12, 2022, or on such other date as the Court may determine,

for an Order, pursuant to Rule 12(b)(2), Rule 12(b)(5) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing portions of plaintiff's amended complaint as more particular set forth in the accompanying memorandum of law with prejudice, dismissing the individual City Defendants from this action with prejudice, and for such other, different and further relief as the Court in its discretion may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule established by order of the Court, opposition to the within motion must be served (but not filed) on the undersigned on June 27, 2022, and reply papers must be served on July 12, 2022. All papers are to be electronically filed on July 12, 2022.

Dated: White Plains, New York
May 26, 2022

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
Attorneys for the City Defendants



Lalit K. Loomba

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